

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

LAURA BAGA,

Plaintiff,

v.

PRESIDIO NETWORKED SOLUTIONS,
LLC,

Defendant.

Case No.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

DIVERSITY OF CITIZENSHIP

28 U.S.C. §§ 1332(a), 1441, 1446(c)

TO: THE CLERK OF THE COURT;

AND TO: PLAINTIFF LAURA BAGA;

AND TO: PLAINTIFF'S COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant Presidio Networked Solutions, LLC. ("Presidio" or "Defendant"), by this Notice, now effects the removal of the state action (filed on August 29, 2022, Case No. 22-2-13886-6 SEA) described below from the Superior Court of the State of Washington in and for the County of King to the United States District Court for the Western District of Washington at Seattle. This removal is based upon complete diversity of citizenship of the parties, *see* 28 U.S.C. §§ 1332(a), 1441, and is timely under 28 U.S.C. § 1446.

In support of its Notice of Removal, Defendant provides the following information:

I. JURISDICTION

1. This action is a civil action over which this Court has original jurisdiction under

28 U.S.C. § 1332(a), and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a), in that it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

2. Presidio is the only named defendant, is represented by the undersigned counsel, and consents to removal. As set forth below, this case meets all of the diversity statute's requirements for removal and is timely and properly removed by the filing of this Notice. *See* 28 U.S.C. §§ 1332, 1441, and 1446.

II. PLEADINGS, PROCESS, AND VENUE

3. On August 22, 2022, Plaintiff initiated a civil action in King County Superior Court by serving Presidio with a copy of the Summons and Complaint captioned *Laura Baga v. Presidio Networked Solutions, LLC*. This Notice of Removal is timely as it is made within 30 days of receipt of a copy of the pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable. 28 U.S.C. § 1446(b).

4. A true and correct copy of the Summons and Complaint served on Defendant on August 22, 2022 is attached hereto as **Exhibit 1**.

5. On August 29, 2022, Plaintiff filed a copy of the Summons and Complaint with the King County Superior Court. A true and correct copy of the filed Complaint is attached as **Exhibit 2**. A true and correct copy of the Order Setting Civil Case Schedule is attached as **Exhibit 3**. A true and correct copies of the Information Cover Sheet and Area Designation are attached as **Exhibit 4** and **5**. A true and correct copy of the Summons is attached as **Exhibit 6**. A true and correct copy of the Declaration of Service is attached as **Exhibit 7**.

6. By signing this Notice of Removal, counsel for Defendant verifies that the above-described items attached hereto are true and complete copies of the records and pleadings served on Defendant in the state court proceeding.

7. Venue is proper (for purposes of removal) in the Western District of Washington at Seattle. Venue is proper in this District because this is the District Court of the United States

for the District encompassing the place where this action is pending. 28 U.S.C. § 1441. Venue is proper in Seattle because the cause of action arose in King County. *See* Western District of Washington Local Civil Rule 3(d)(2).

III. DIVERSITY OF CITIZENSHIP

A. Plaintiff is a Washington Citizen

8. For diversity purposes, a person is a “citizen” of the State in which he or she is domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). A person’s domicile is her permanent home, where she resides with the intention to remain or to which she intends to return. *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). Plaintiff alleges that at all relevant times mentioned in the Complaint, she was “an individual who resides in King County, Washington,” and therefore, Plaintiff is a citizen of the State of Washington. Complaint, ¶ 2.1.

B. Defendant Is Not a Citizen of Washington

9. For the purposes of diversity, a limited liability company is a citizen of every state in which its owners/members are citizens. *Johnson v. Columbia Properties Anchorage*, 437 F.3d 894, 899 (9th Cir. 2006). By contrast, a corporation is a citizen only of (1) the state where its principal place of business is located, and (2) the state in which it is incorporated. *Id* (citing 28 U.S.C. § 1332(c)(1)).

10. Presidio Networked Solutions, LLC is a Florida limited liability company and its sole member is Presidio, LLC, which is a Georgia limited liability company. *See* Declaration of Amanda Lopez (“Lopez Decl.”) at ¶¶ 3-4. The sole member of Presidio LLC is Presidio IS LLC, a Delaware limited liability company. *Id.* at ¶ 4. The sole member of Presidio IS LLC is Presidio Holdings Inc., a Delaware corporate that is wholly owned by Presidio, Inc., a Delaware corporation with its headquarters and principal place of business located in the state of New York. *Id.* Presidio, Inc.’s top executives and decision makers are located in New York, and the corporation’s activities are directed out of New York. *Id.* at ¶ 5. *See Hertz Corp. v. Friend*, 559 U.S. 77, 130 S. Ct. 1181,

1 1192 (2010) (a corporation’s principal place of business, or “nerve center,” will typically be where
 2 its headquarters is located); *see also Breitman v. May Co. California*, 37 F.3d 562, 564 (9th Cir.
 3 1994) (corporation is citizen of state in which its corporate headquarters are located and where its
 4 executives and administrative functions are performed).

5 11. Accordingly, for purposes of diversity of citizenship, Presidio is not a citizen of
 6 Washington. *Johnson*, 437 F.3d at 899.

7 12. Thus, because Defendant is not a citizen of the state of Plaintiff’s citizenship,
 8 complete diversity of citizenship exists under 28 U.S.C. § 1332(a)(1).

9 **IV. AMOUNT IN CONTROVERSY**

10 13. This action is a civil action over which this Court has original jurisdiction under 28
 11 U.S.C. § 1332(a), and is one which may be removed to this Court pursuant to the provisions of 28
 12 U.S.C. § 1441(a), in that it is a civil action between citizens of different states and the matter in
 13 controversy exceeds the sum of \$75,000, exclusive of interests and costs.

14 14. Defendant is able to satisfy the amount in controversy based on correspondence
 15 between Plaintiff’s counsel and Presidio. Specifically, in a letter dated May 12, 2022, Plaintiff’s
 16 counsel detailed the claims underpinning Plaintiff’s alleged damages and made a demand of
 17 \$750,000.00 to settle this lawsuit. Declaration of Ryan P. Hammond (“Hammond Decl.”) at ¶ 2.

18 15. The statements contained in a plaintiff’s demand letter are sufficient to satisfy the
 19 amount in controversy requirement for removal to federal court. *See Cohn v. Petsmart, Inc.*, 281
 20 F.3d 837, 840 (9th Cir. 2002) (finding that a demand letter is relevant evidence of the amount in
 21 controversy for purposes of removal and rejecting the argument that Federal Rule of Evidence 408
 22 prohibits the use of settlement offers in determining the amount in controversy). In addition to her
 23 claimed damages in this action as stated above, Plaintiff’s Complaint also requests that the Court
 24 award her “liquidated damages in an amount equal to her economic damages under RCW
 25 50A.40.030(4),” “reasonable attorneys’ fees and costs,” “pre-judgment interest on any liquidated
 26 amounts,” “post-judgment interest on any amounts recovered from the time of judgment to the

1 time of satisfaction of judgement,” and “an offset for the adverse tax consequences of the
2 judgment.” Complaint at VI.

3 16. For these reasons, Plaintiff’s requests for relief, in the aggregate, exceed the
4 \$75,000 requirement for federal jurisdiction over this matter under 28 U.S.C. § 1332(a).

5 **V. RESERVATION OF RIGHTS**

6 17. Nothing in this Notice of Removal is intended to waive any defense, nor does it
7 waive any defense, including but not limited to insufficient service of process, insufficient process,
8 or lack of personal jurisdiction.

9 WHEREFORE, Defendant respectfully requests that this action now pending in the King
10 County Superior Court, State of Washington, be removed to the United States District Court for
11 the Western District of Washington at Seattle.

12 In the event this Court should be inclined to remand this action, Defendant requests that
13 the Court issue an order to show cause why the case should not be remanded, giving the parties an
14 opportunity to present proper briefing and argument prior to any possible remand. Because a
15 remand order is not subject to appellate review, such a procedure is appropriate.

16 Dated: September 19, 2022

17 /s/ Ryan P. Hammond

18 Ryan P. Hammond, WSBA #38888
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19 /s/ Anne E. Reuben

20 Anne E. Reuben, WSBA #53299
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24 *Attorneys for Defendant*

CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. I hereby certify that on September 19, 2022, I electronically filed the foregoing document titled *Notice of Removal to Federal Court* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF system participants:

Plaintiff's Counsel:

Joe Shaeffer, WSBA #33273
MacDONALD HOAGUE & BAYLESS
705 Second Ave., Suite 1500
Seattle, WA 98104
Phone: (206) 622-1604
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I declare under penalty of perjury under the laws of the State of Washington that the above is true and correct. Executed on September 19, 2022, at Seattle, Washington.

/s/ Noemi Villegas

Noemi Villegas, Legal Secretary

NVillegasDiaz@littler.com

LITTLER MENDELSON, P.C.